

## **R E M A R K S**

The objections presented in the November 29, 2004 Office Action have been reviewed and carefully noted. Reconsideration of this case, as amended, is respectfully requested. Applicants thank the Examiner for her review of the file and detailed remarks relevant to appropriate amendments to the claims. Claims 9, 13-15, 17-20, 24-26, 28-30, 35-38, 40-42, 47-50, 52-55, 59-61, 63-66 and 70-76 are currently pending. Claims 9, 14-15, 17-20, 25-26, 28-30, 40-42, 52-53, 55, 60-61, 63-66 and 71-76 are amended herein. Claims 16, 27, 39, 51 and 62 are canceled herein. No claims have been added herein.

### **Priority Claim**

As a note of information to the Examiner, the current application was amended to recite that it is indeed a division of U.S. patent application No. 09/175,684, now Patent No. 6,593,463 . Therefore, Applicant is now in compliance with 35 USC § 120.

### **Acknowledgement of Allowability**

As a note of information to the Examiner, on pages 16 and 17 of the Office Action of March 10, 2004, the Examiner has acknowledged the allowability of claims generally when some modifications/amendments are made to existing claims 9-76 relative to the existing prior art provided and the record to date. The prior response was an attempt to move claims 9-76 into compliance and condition for allowance. In the most recent Office Action the Examiner has not indicated formally that all the claims stand rejected, but rather offers a list of modifications that would be helpful in moving the case forward. First, Applicants thank the Examiner for these suggestions and have implemented them as possible in the claims. Therefore, Applicants believe that the claims, as amended herein and previously, are in condition for allowance. Should the Examiner believe for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, she is invited to telephone the undersigned at the number given below.

### **The Rejection Under 35 U.S.C. §112, first paragraph**

Claims 9, 20, 30, 42, 55 and 66 stand rejected under 35 U.S.C. §112, first paragraph for failure to enable a person skilled in the art to perform the invention commensurate with the breadth of the claims. This rejection of each and every of the independent claims, as amended, is respectfully traversed.

It is much appreciated that the Examiner has worked diligently to review the prior art and to aid Applicants in moving the claims toward allowance. With the limiting and clarification amendments made herein it is believed that the specification as provided by Applicants reasonably conveys to the artisan that the inventor had possession of the invention as claimed at the time of filing. Reconsideration in light of the amendments made for each independent claims is requested.

### **The Rejection Under 35 U.S.C. §112, second paragraph**

Claims 9, 13-20, 24-31, 35-42, 47-55, 59-66 and 70-76 stand rejected under 35 U.S.C. §112, second paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. This rejection is respectfully traversed. Each of the rejections enunciated by the Examiner under 35 U.S.C. §112, second paragraph have been addressed through specific amendment to each of the relevant claims, particularly to the underlying base claims. The amendments were made to clarify, particularly point out, and distinctly claim the subject matter of the invention along the guidelines of what the Examiner noted as enabled in the last action. Many previously rejected claims were cancelled pursuant to this action. Reconsideration of the rejection of amended claims under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Other than a fee for the extension of time, no fee is deemed necessary in connection with the filing of this Reply and Amendment. However, the Commissioner is authorized to charge any fee which may now or hereafter be due for this application to GTC Biotherapeutics' Deposit Account No. 502092.

Applicants respectfully submit that the pending claims of this application are in condition for allowance, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Early and favorable action is earnestly solicited.

Respectfully Submitted,

Date: 5/27/05

By:

  
\_\_\_\_\_  
Byron V. Olsen, Reg. No. 42,960  
**ATTORNEY FOR APPLICANT**  
GTC Biotherapeutics, Inc.  
175 Crossing Blvd., Suite 410  
Framingham, MA 01702  
Tel. # (508) 661-8150  
Fax # (508) 370-3797